

Applicant: Bernalillo County
Zoning, Building, Planning &
Environmental Health Department
111 Union Station St. SE
Albuquerque, NM 87111

Property Owner: Thomas P. & Dora Chavez
4919 4th Street SW
Albuquerque, NM 87102

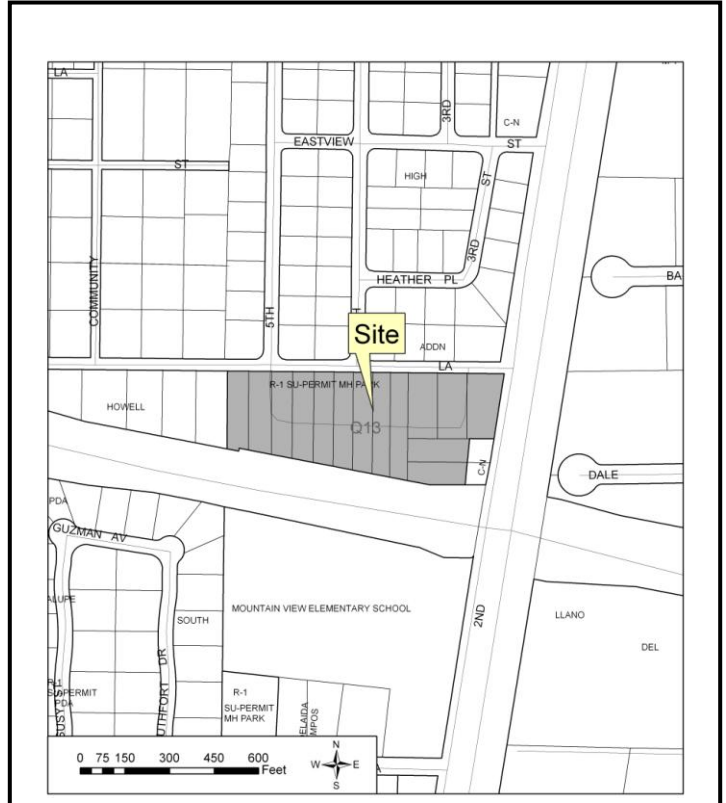
Location: 5113 & 5117 2nd Street SW

Property Size: 7 acres (approximately)

Existing SUP: Special Use Permit for a
Mobile Home Park

Zoning: R-1

Recommendation: Cancellation



Summary: The Zoning, Building, Planning & Environmental Health Department proposes cancellation of an existing Special Use Permit for a Mobile Home Park. On January 4, 2010, the Zoning Administrator notified the owner of non-compliance with the Special Use Permit and the site plan on file. To date, the applicant has not complied with the site development plan on file.

Staff Contact: Adella Gallegos, Associate Program Planner

Attachments:

1. Notice of Special Use Permit approval dated August 23, 1983.
2. Land Use Map
3. Notice of intent to cancel Special Use Permit dated January 4, 2010
4. Site photographs, aerial photograph, zone atlas page
5. Site Plan (approved November 1, 1985) (Commissioners only)

CSU-84-20 Zoning, Building, Planning & Environmental Health Department proposes cancellation of a Special Use Permit for a Mobile Home Park on Tracts A, B, C, D1, D2, D3, D41, D42, D43, W, X, Y, Z1, & Z2, Garden Home Place Subdivision, located at 420 Bear Lane SW, 5113 & 5117 2nd Street SW, zoned R-1 and containing approximately 7 acres. (Q-13)

AREA CHARACTERISTICS & ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land use
Site	R-1with a Special Use Permit for a Mobile Home Park	Mobile Home Park and Outside storage
North	R-1	Residential Dwellings
South	R-1	AMAFCA South Diversion Channel and Mountain View Elementary School
East	M-1& CN	2 nd Street and Industrial Development and Grocery Store
West	R-1	Residential Dwelling

BACKGROUND

Special Use Permit History & Overview

On October 16, 1984, the Board of County Commissioners authorized a Special Use Permit for a Mobile Home Park. The underlying zoning of the property is zoned R-1. The current site plan on file included 28 mobile homes and recreational areas on the northeast and the west ends of the mobile home park site.

Since the initial approval of the Special Use Permit, there have been numerous times that the applicant has been summoned to court for non-compliance of various violations of the zoning ordinance and the Special Use Permit. To date, existing violations still include outside storage, completion and maintenance of recreational areas, increasing the number of approved mobile homes from 28 to 30 and landscaping. Water and sewer are available to the subject site in which clarification as to their authorized connection remain unclear.

On October 11, 2007 and November 13, 2007, letters were sent from the Zoning Administrator's office indicating the property was not in compliance with the approved site plan. Staff has met with the property owner on a number of occasions. On January 4, 2010, the Zoning Administrator sent the property owner a "Final Notice Pending Petition to Cancel the Special Use Permit." The applicant and his agent have been in contact with staff.

Subject Site & Surrounding Properties

The property is situated west of 2nd Street, south of Heather Lane and north of the AMAFCA South Diversion Channel. The subject site is surrounded with R-1 zoning to the west and north developed with residential dwellings. The AMAFCA South Diversion Channel separates the site from R-1 zoning to the south developed an elementary school, Mountain View Elementary. 2nd Street separates the subject site from M-1 zoning to the east developed with industrial uses and CN zoning developed with a grocery store.

APPLICABLE REGULATIONS & POLICIES

Comprehensive Zoning Ordinance of Bernalillo County

Section 18. Special Use Permit Regulations.

H. Violation of the approved development plan or any condition imposed by the Board of County Commissioners in approving an application filed under this section shall constitute a violation of this ordinance and shall be subject the permit to cancellation pursuant to this section.

1. Procedures for Cancellation:

- (a) The Zoning Administrator or his designee has the duty of routinely inspecting the Special Use Permit to insure compliance with the approved development plan and conditions imposed by the Board of County Commissioners.
- (b) If the Zoning Administrator or his designee shall find that any of the conditions of the approved development plan or the conditions imposed by the Board of County Commissioners have not been complied with, they shall notify in writing, the owner, tenant, agent, occupant, or person in charge of the premises, indicating the nature of the violation and ordering its correction within 30 days.

- (c) In an event that a violation of the approved development plan or conditions imposed by the Board of County Commissioners continues, the Zoning Administrator or his designee may institute the appropriate action to cancel the Special Use Permit pursuant to this section of proceed against the owner, tenant, agent, occupant, or person in charge of the premises, pursuant to the Penalty section of this Ordinance.
 - (d) Any violation of the approved development plan or conditions imposed by the Board of County Commissioners that continues for a period of 30 days after notification by certified mail receipt return requested shall subject the Special Use Permit to cancellation pursuant to the process outlined under Section 18.E., Subsections 1, 2, and 3. In the event that the Special Use Permit is cancelled, all references to said Special Use Permit shall be removed from the official zoned maps by the County Planning Department.
2. In the event a use authorized by a Special Use Permit is not established within 12 months of the date of approval or is discontinued for a period of 12 months, the County Planning Department shall send notification by certified mail return receipt requested requiring the property owner, tenant, agent, occupant, or person in charge of the premises to state in writing within 30 days his or her intention to establish or continue said permit. If the property owner, tenant, agent, occupant, or person in charge of the premises does not declare in writing his or her intention to establish or continue said permit, then authorization or approval may be cancelled and relevant documents, if any, shall be removed from the official zone maps by the County Planning Department.

ANALYSIS

This request is a petition to cancel the Special Use Permit for a Mobile Home Park on a seven (7) acre site located on the west side of 2nd Street and south of Heather Lane. The Mobile Home Park was given approval of 28 mobile homes and has expanded the use to a total of thirty (30) mobile homes.

In order for the subject site to comply with the approved site plan, the owner must remove the outside storage, provide landscaping, and remove the two additional mobile homes. The question of proper water and sewer installation has not been clarified, nor the proper abandonment of the four septic tanks.

A visual inspection by staff on April 13, 2010 , reveals that there has been some effort made by the property owner towards compliance that include the removal of a large portion of the outside storage and bringing the recreational area at the west end of the subject site to a functional state. However, the 30 mobile homes on the site still remain and the recreational area to the northeast end (2nd Street and Heather Lane) have not been landscaped or grassed as called for in the site plan.

This matter has been turned over to the Zoning Enforcement Office for cancellation because of the limited efforts demonstrated by the property owner to remedy the violations and ensure observance of applicable standards. Although the Special Use Permit was granted for the life of the use, the issues with landscaping, outside storage and exceeding the allowable number of mobile homes on the site has persisted for over 10 years. Noncompliance on the part of the owner necessitates the recommendation for cancellation.

Proposed Findings for Cancellation

1. This is a request for the cancellation of a Special Use Permit for a Mobile Home Park on Tracts A, B, C, D1, D2, D3, D41, D42, D43, W, X, Y, Z1, & Z2, Garden Home Place Subdivision, located at 420 Bear Lane SW, 5113 & 5117 2nd Street SW, zoned R-1, and containing approximately 7 acres.
2. This matter is a result of continued violations of the Special Use Permit (CSU-84-20) and the failure to comply with the site development plan approved by the Board of County Commissioners on October 16, 1984.
3. The property owner has failed to comply with the approved site development plan, dated November 1, 1985. Landscaping has not fully been installed, outside storage and the two additional mobiles were not part of the approved site plan.
4. The Bernalillo County Planning Department notified the property owner of noncompliance with the provisions of the Special Use Permit on January 4, 2010, as described in Section 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County.
5. This decision removes the Special Use Permit (CSU-84-20) from the property, and reverts the zoning on the site back to the uses and activities allowed, and as limited by, the underlying zoning designation of R-1 Single-Family Residential.

RECOMMENDATION:

Cancellation of CSU-84-20.

Adella Gallegos,
Associate Program Planner